

PB# 80-20

**Speiser-Carlin
Joint Venture
(Never Materialized)**

80-20

• Speiser - Carlin Joint Venture
• Site Plan - Senior Citizen

*Noted
 6/29/80
 sh*

GENERAL RECEIPT

4369

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, N. Y. 12550

RECEIVED OF (Speiser-Carlin) July 9 19 80
Seaman, Mc Guirk & Zeccola \$ 25.00
Twenty-five and 00/100 DOLLARS
 FOR Site Plan #80-19

DISTRIBUTION:

FUND	CODE	AMOUNT
25.00	ck	

BY Pauline G. Townsend cm
Town Clerk.

Williamson Law Book Co., Rochester, N. Y. 14609

Signed: (by Seaman, McGuirk & Zeccola) TITLE
 (APPLICANT)

Map:

SEAMAN, MCGUIRK & ZECCOLA
 ATTORNEYS AT LAW
 542 UNION AVENUE
 NEW WINDSOR, N.Y. 12550

5914

7/8 19 80 91-108 280

PAY TO THE ORDER OF Town of New Windsor \$ 25.00
Twenty-five and 00/100 DOLLARS

MEMO: SITE PLAN APPRO. Apply Fee

010280010810 078703504 5914

Memo FROM:

555 UNION AVENUE

TOWN OF NEW WINDSOR

NEW WINDSOR, NEW YORK 12550

TO:

ZONING BOARD OF APPEALS

DATE: July 11, 1980

SUBJECT:

SPEISER-CARLIN - - SENIOR CITIZEN HOUSING

---FOLD HERE---

Please be advised that the above developers appeared before the Planning Board on July 9, 1980 with a proposed site plan encompassing the area to the rear of Vails Gate School.

At the outset of the meeting, Speiser-Carlin indicated that they are proposing 15 units per acre for their Senior Citizen and family unit complex.

As a matter of record, the Town Planning Board is recommending a density which will not exceed 8 units per acre. Due to the nearby developments which are already overcrowded, the higher density of 15 units per acre will add to overpopulation of that area. Furthermore, allowing 15 units per acre would set a precedent for the remaining acreage of that site which is zoned R-5 - multi-family.

Respectfully,,

Ernest Spignardo
sh.

ES/sh/pd

by

Ernest Spignardo, Chairman

1 Coaster 212 -
362-1935

TOWN OF NEW WINDSOR PLANNING BOARD

APPLICATION FOR SITE PLAN APPROVAL

Name SPEISER-CARLIN JOINT VENTURE

Address 580 Midland Avenue, New Windsor, New York

1. Owner of the property New Windsor Associates
2. Location of the property:
Northerly side of Forge Hill Road behind Vails Gate
Elementary School Property. Portion of Section 35
Block 1, Lot 59.22
3. Zone area _____
4. Nature of business:
Development of Real property for senior citizen housing
5. Lot size: Front 80ft. Rear 625 ft. Depth 1100 ft.
6. Building setbacks: Front yard 90ft. Rear yard 70 ft.
Side yards 170 & 280 ft.
7. Dimensions of new building 200 x 120 x 196 - thickness 60 ft.
Addition _____

If addition, state front, side, rear of existing structure:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expense for advertising of Public Hearing or meetings will be paid. Also, any legal or engineering fees for review of this project.

Spase Carl Josi Venture
Signed: *By Seane M. Smith & Jacob H. Hays*
(APPLICANT)

Maps Required for:

never materialized
Planning Board

Aug. 1980 denied by Z.B.A.

710PB

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

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In the Matter of the Application of

SPEISER-CARLIN JOINT VENTURE and

DECISION DENYING
AREA VARIANCES.

NEW WINDSOR ASSOCIATES.

#80-17.

-----x

WHEREAS, SPEISER-CARLIN JOINT VENTURE, located at 580 Midland Avenue, Yonkers, New York, 10704, and NEW WINDSOR ASSOCIATES, located at 161 Hillside Avenue, Cresskill, New Jersey, 07626, have made application before the Zoning Board of Appeals for area variances (density, height and floor area) for the purposes of construction of a three-story multiple dwelling unit for senior citizens and small families to be located off Old Forge Hill Road and Route 32 (R-5 zone) Town of New Windsor, New York; and

WHEREAS, a public hearing was held on the 11th day of August, 1980 before the Zoning Board of Appeals at the Town Hall, New Windsor, N. Y.; and

WHEREAS, the applicants were represented by J. Tad Seaman, Esq. of Seaman, McGuirk and Zeccola, 542 Union Avenue, New Windsor, New York; and

WHEREAS, the application was opposed by a large number of area residences; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also required by law.

2. No permission was sought from the Orange County Planning Board as required under the terms of Section 239-m of the General Municipal Law of the State of New York.

3. The applicants sought three (3) variances from the area requirements of the Town Zoning Local Law, to wit:

1. Under Section 48-12 - Part 1 (4), a 35 sq. ft. variance per apartment unit. The law requires 600 sq. ft. and the applicant sought permission for 555 sq. ft.;
2. Under Section 48-12 - Part 1 - Col. 11, a density of 2,666 sq. ft. The law requires 7,000 sq. ft. and applicant sought a variance of 4,334 sq. ft.
3. Under Section 48-12 - Part 1 - Col. 10, a variance in the height requirement from $2\frac{1}{2}$ stories which is permitted to three stories which was sought.

4. Applicant sought to build an apartment complex which would house senior citizens and small families. Applicant stated he was building same for the purpose of obtaining subsidies from the U. S. Department of Housing and Urban Development (HUD). He stated that height requirements specify that senior citizens be housed together with small families, defined as families with not more than two (2) children of the same sex. Applicant had an option to purchase ten (10) acres from a 40 acre parcel off of Route 32 in New Windsor, for this purpose.

5. With respect to the floor area variance, applicant argued that same represented a small difference, that it would result in no increased population density which would have an adverse effect on government facilities due to the smallness of the variance sought. That construction of the building with the specified floor area was the only feasible economic method in which to build the property and that this complex as a whole would produce no substantial change in the neighborhood because it is a mixed residential and commercial zone as it exists.

6. With respect to the variance for density, applicant made the same arguments but argued in addition that the density would not be increased due to the fact that the senior citizens would, largely, be drawn from the present senior citizens of the Town of New Windsor. With respect to the inclusion of low income families, it was argued that same is required by HUD regulations and the only feasible method of building this complex was under HUD guidelines so as to receive a HUD subsidy.

7. With respect to the height density sought, an examination of the law shows that either 2 1/2 stories or 35 ft. is permitted. The applicant's proposed structure was three (3) stories tall, but totaled less than 35 ft. in height and, therefore, no variance is required. The fact that said variance was denied at the hearing is immaterial in light of this re-examination of the law.

8. The evidence submitted by the large number of adjoining property owners shows that the inclusion of low income families in the proposed building, for which the variances are sought, would produce a substantial change in the character of the neighborhood in that said families may be welfare recipients.

9. With respect to the density portion of the argument, applicant argued that purchase of additional land, so as to alleviate the density problem, would make the project not economically feasible. Applicant failed, however, to indicate by dollars and cents proof, how much the additional land would cost and what the specific economic impact of such purchase would be. In fact, applicant offered no evidence to indicate that any such purchase had ever been inquired after.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. With respect to the height variance, no such variance is actually required under the terms of the New Windsor Zoning Local Law.

2. With respect to the other variances requested, insufficient evidence was produced to prove that there is no other feasible method by which applicant may achieve its end as applicant entirely failed to produce dollars and cents proof. It, therefore, has not been proven that the project cannot be accomplished in some other feasible method. nor has it been shown that the granting of the variances would be in the interests of justice.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor deny the application for a height variance by a vote of the Board but deemed to be not required; and

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor deny the area variances as requested in the application before the Board.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicants.

Dated: September 8, 1980.

Richard J. Fournier
Chairman

received 8/8/80
sh

SEAMAN, MCGUIRK & ZECCOLA

ATTORNEYS AT LAW

J. TAD SEAMAN
JOHN K. MCGUIRK
FRANK J. ZECCOLA

542 UNION AVENUE
NEW WINDSOR, NEW YORK 12550
(914) 565-5200

August 7, 1980

Hon. Ernest Spignardo
Chairman, Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

Re: Speiser-Carlin Application for site plan approval

Dear Mr. Spignardo:

Please be advised that our firm has represented Speiser-Carlin since 1975. We have appeared with Speiser-Carlin before the Town Board on January 20, 1977, May 23, 1977, February 18, 1978, and March 7, 1978. Members of the Planning Board were also present at some of those meetings. At the time that we were interviewed for consideration as attorneys for the town, we brought this fact to the attention of the Town Board.

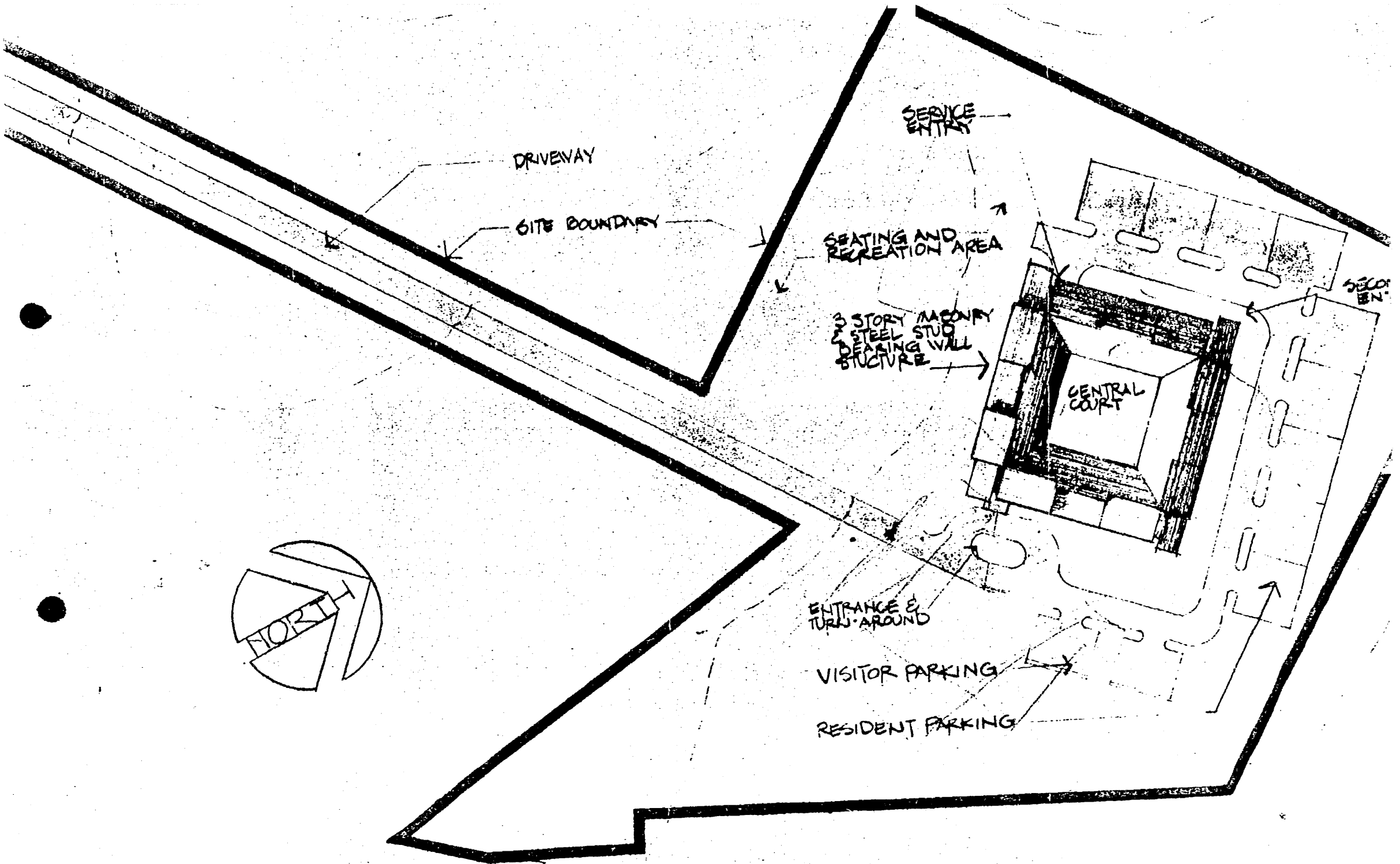
We have informed the Board that because of our long-standing relationship with Speiser-Carlin, we could not act on behalf of the Board in regard to this project. If you need any additional information, please let me know.

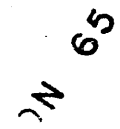
Very truly yours,

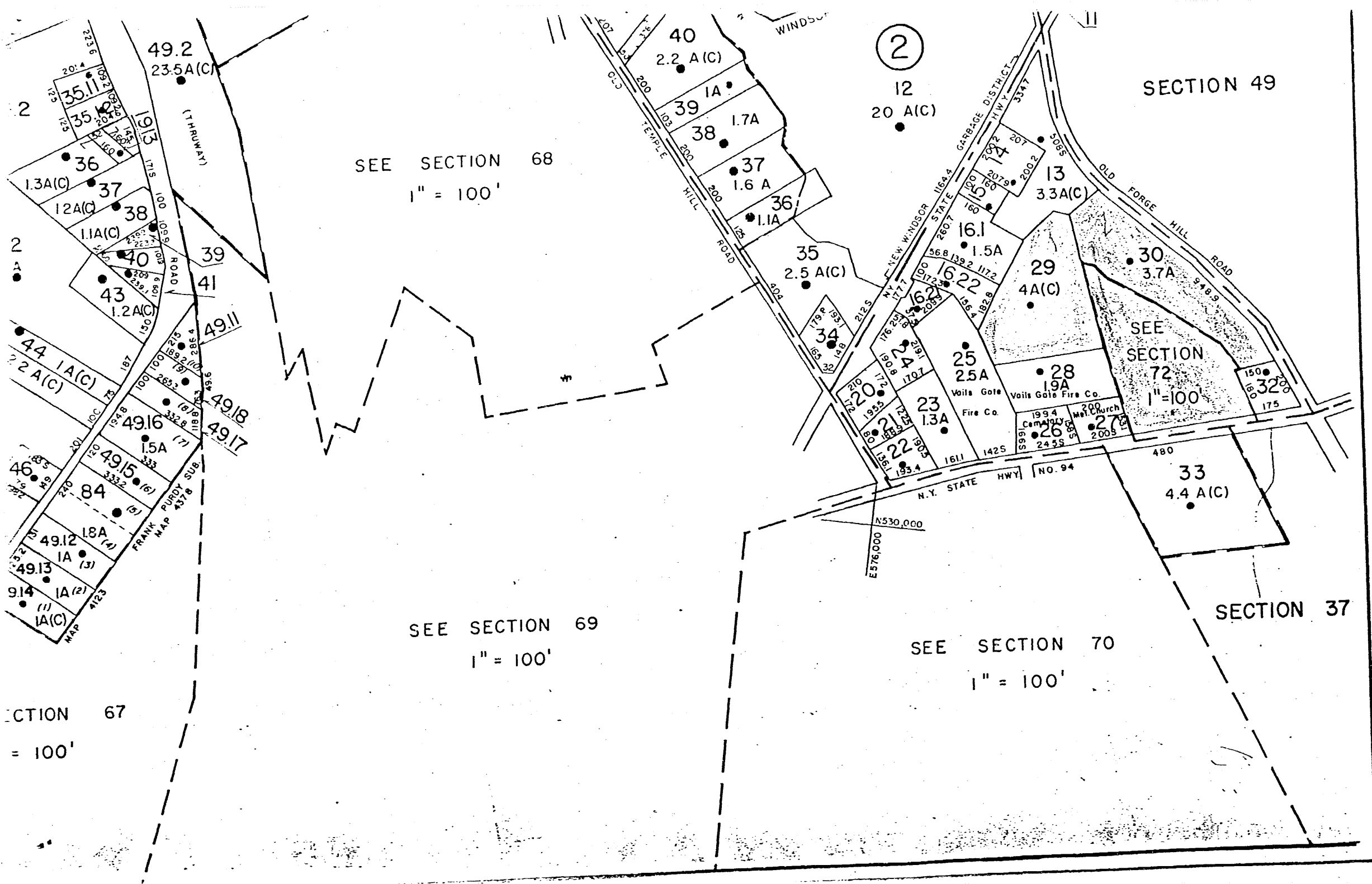
SEAMAN, MCGUIRK & ZECCOLA


JOHN K. MCGUIRK

JKM/nrs







NEW WINDSOR APARTMENTS

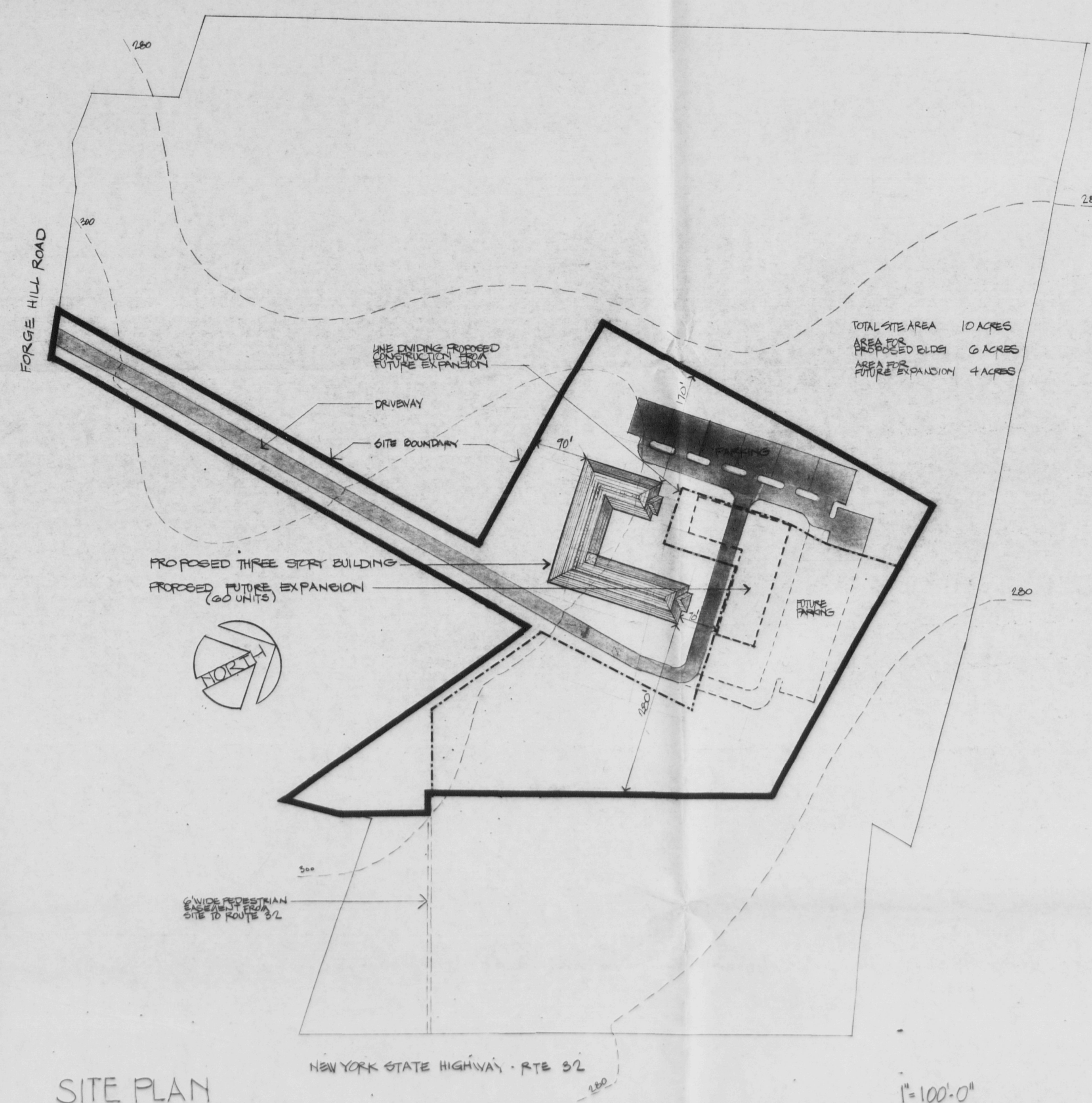
HOUSING FOR THE ELDERLY
NEW WINDSOR NEW YORK

	ELDERLY		FAMILY		TOTAL PER FLOOR
	1 BR	2 BR	1 BR	2 BR	
FIRST FLOOR	12	2	1	10*	25*
SECOND FLOOR	15	3	2	9	29
THIRD FLOOR	15	3	2	9	29
TOTALS	42	8	5	28	83*

* INCLUDES (1) 2 BR APT FOR SUPER

INDEX OF DRAWINGS

- 1 TITLE SHEET - SITE PLAN - STATISTICS
- 2 FIRST FLOOR PLAN
- 3 TYPICAL FLOOR PLAN
- 4 TYPICAL UNIT PLANS - WALL SECTION - ELEVATIONS



SITE PLAN

1" = 100'-0"

john koster
ARCHITECT

118 WEST 88 STREET
NEW YORK NY 10024
212 362 1935